

09/967,296

01SW155/ALBRP393US

REMARKS

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claims 9, 10, 12, 25 and 28 stand cancelled. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-7, 9-13, 15-23, 25-29, 31 and 32 Under 35 U.S.C. §103(a)

Claims 1-7, 9-13, 15-23, 25-29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Auerbach *et al.* (US 6,549,937). Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reasons. Auerbach *et al.* fails to teach or suggest all limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The claimed invention relates to a program providing a uniform protocol to different software objects from different third-party vendors. In particular, independent claims 1 and 17 recite similar limitations, namely *at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols*. Auerbach *et al.* is silent regarding such novel aspects of the subject claims.

The cited reference relates to an instant messaging system that employs a conversion platform that translates messages entered at a user interface to a messaging format supported by one or more different service providers. On page 3 of the Final Office Action, the Examiner

09/967,296

01SW155/ALBRP393US

incorrectly contends that Auerbach *et al.* shows the claimed limitation of at least two object providers. This assertion is supported by portions of Auerbach *et al.* that teach a protocol conversion platform that allows for messaging across different messaging protocols. However, instead of teaching *at least two object providers* to translate between a standard object protocol and each of the protocols supported by the numerous proprietary objects as in the claimed invention, the reference is limited to showing *a single* conversion platform to support communication between a client program and numerous service providers.

Moreover, on page 8 of the Office Action, the Examiner erroneously states that the numerous service providers shown by the reference equates to the claimed feature of the *at least two object providers*. One cannot simply employ the service providers to facilitate translation amongst differing object protocols when the goal to begin with is to translate protocols of the service providers to a protocol of a client program. Instead, as discussed *supra*, Auerbach *et al.* utilizes a single conversion platform to convert between differing object protocols, but fails to employ *at least two object providers* to translate between a standard object protocol and associated proprietary object protocols as in the claimed invention.

In view of at least the foregoing, it is readily apparent that Auerbach *et al.* fails to teach or suggest all limitations set forth in applicants' claims. Accordingly, this rejection with respect to independent claims 1 and 17 (and the claims that depend there from) should be withdrawn.

## **II. Rejection of Claims 8, 14, 24 and 30 Under 35 U.S.C. §103(a)**

Claims 8, 14, 24 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Auerbach *et al.* in view of Williams (US 6,591,272). Withdrawal of this rejection is requested for at least the following reasons.

The subject claims depend from independent claims 1 and 17. As discussed *supra* regarding these claims, Auerbach *et al.* fails to disclose or suggest all their limitations. Williams fails to compensate for the deficiencies of Auerbach *et al.* Instead, Williams relates to a system that translates and transmits metadata and data from database tables into customary objects. Nowhere does the cited reference disclose the claimed limitations of at least two object providers each communicating with the server program and one proprietary object to translate between standard object protocol and an associated one of the proprietary object protocols, let alone an

09/967,296

01SW155/ALBRP393US

object based interface for an industrial control system. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP393US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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